

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Harris
Appl. No.: 10/647,621
Filed: 08/23/2003
For: ISOLATABLE, WATER SOLUBLE, AND HYDROLYTICALLY STABLE ACTIVE SULFONES OF POLY(ETHYLENE GLYCOL) AND RELATED POLYMERS FOR MODIFICATION OF SURFACES AND MOLECULES

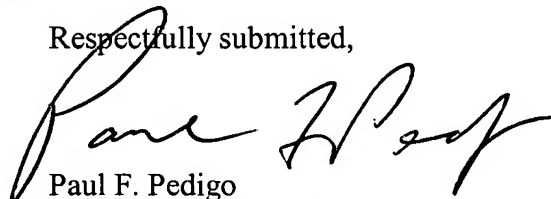
Confirmation No.: 2821
Group Art Unit: 1651
Examiner: D. Ware

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(c)**

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above referenced application. Also enclosed is a check in the amount of \$110.00 for a large entity or \$55.00 for a small entity [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 16-0605 for any additional fee that may be required or credit any overpayment.

Respectfully submitted,


Paul F. Pedigo
Registration No. 31,650

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 12, 2004,


Grace R. Rippey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Harris
Appl. No.: 10/647,621
Filed: August 25, 2003
For: ISOLATABLE, WATER SOLUBLE AND
HYDROLYTICALLY STABLE ACTIVE SULFONES
OF POLY(ETHYLENE GLYCOL) AND RELATED
POLYMERS FOR MODIFICATION OF SURFACE
AND MOLECULES

Group Art Unit: 1651
Examiner: D. Ware

October 12, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

Sir:

I, Paul F. Pedigo, am an attorney of record of the disclaimant, Nektar Therapeutics AL Corporation, and am authorized to execute this disclaimer on behalf of Nektar Therapeutics AL Corporation. The disclaimant, Nektar Therapeutics AL Corporation, having a principal place of business at 490 Discovery Drive, Huntsville, Alabama, is the owner of all right, title, and interest in the above-identified application, by Assignment filed March 4, 2003, and recorded at Reel 013467, Frame 0564.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of the following commonly owned patents: United States Patent No. 5,446,090, issued August 29, 1995, entitled *ISOLATABLE, WATER SOLUBLE AND HYDROLYTICALLY STABLE ACTIVE SULFONES OF POLY(ETHYLENE GLYCOL) AND RELATED POLYMERS FOR MODIFICATION OF SURFACES AND MOLECULES*; United States Patent No. 5,739,208, issued April 14, 1998, entitled *ISOLATABLE, WATER SOLUBLE AND HYDROLYTICALLY STABLE ACTIVE SULFONES OF POLY(ETHYLENE GLYCOL) AND RELATED POLYMERS FOR MODIFICATION OF SURFACES AND MOLECULES*; and United States Patent No. 5,900,461, issued May 4, 1999, entitled *ISOLATABLE, WATER SOLUBLE AND HYDROLYTICALLY STABLE ACTIVE SULFONES OF POLY(ETHYLENE GLYCOL) AND RELATED POLYMERS FOR MODIFICATION OF SURFACES AND MOLECULES*. These three

10/18/2004 YPOLITE1 00000015 10647621

01 FC:1814

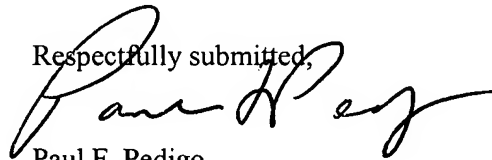
110.00 OP

patents have been assigned from the inventor to Shearwater Polymers, Inc. by Assignments recorded January 31, 1994, at Reel 6850, Frame 0117 and were subsequently assigned from Shearwater Polymers, Inc. to Shearwater Corporation by Assignment recorded November 16, 2000, at Reel 011295, Frame 0671 and were subsequently assigned to Nektar Therapeutics AL Corporation by Assignment recorded March 4, 2003, at Reel 013467, at Frame 0564.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 5,446,090; 5,739,208; and 5,900,461, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent Nos. 5,446,090; 5,739,208; and 5,900,461 in the event that any of these later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of their statutory terms as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



Paul F. Pedigo
Registration No. 31,650

Customer No. 000826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
CLT01/4674368v1